

**Notice of Allowability**

Application No.

10/784,792

Examiner

Kuo-Liang Peng

Applicant(s)

SHIBATO ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/07 RCE.
2. ☒ The allowed claim(s) is/are 10 and 14-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 29, 2007 has been entered. Claims 1-9 and 11-13 are deleted. Claims 10 and 14-21 are pending.

2. Claim rejection(s) under 35 USC 102 in the previous Office Action (Paper No. 090107) is/are removed.

### ***Allowable Subject Matter***

3. Claims 10 and 14-21 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The present claims are allowable for at least the following reason(s) over the closest references: Yamamoto (US 6 103 387), Nambu (EP 1 103 730/US 6 316 572) and JP847 (JP 11-116847)

Yamamoto teaches a coating composition comprising component A) can be component A') (col. 25, lines 49-67) that is prepared by polymerizing a **monomer mixture** comprising a hydroxyl containing monomer (col. 27, lines 5-17), an epoxy containing monomer (col. 28, lines 9-28), etc., and **component C)** silica sol that reads on the claimed non-radical polymerizable organosilicate of formula (2). (col. 25, lines 49-67) The amounts of the hydroxyl containing monomers and the epoxy containing monomers are described in col. 26, lines 52-60 and col. 28, lines 1-28. The amount of component C) is described in Examples. However, Yamamoto **does not** teach or fairly suggest the polymerization of the monomer mixture in the presence of component C). Especially, in Table 12 of the Declaration under 37 CFR 1.132 filed November 29, 2007, Applicants unequivocally demonstrate the unique properties of the coating derived from the coating composition where the claimed monomer mixture is polymerized in the **presence** of the non-radical polymerizable organosilicate as compared to that derived from the coating composition where the monomer mixture is polymerized in the **absence** of the non-radical polymerizable organosilicate, which can only be attributed to the differing processes by which the modified resins are formed. Notably, the nonvolatile matters (wt%) (i.e., solid contents) of modified resin F'-2 and acrylic resin D are 60.2 and 56.0, respectively, as shown in Table 10. As such,

in Table 11, both Example 12 and Comparative Example 4 contain the same amounts of acrylic resin (solid) and the same amounts of methyl silicate (solid).

Nambu discloses a stain resistant coating composition comprising component A) prepared by polymerizing a mixture of compound x) an epoxy containing radical polymerizable monomer and compound y) a carboxyl containing vinyl monomer; component B) and component C). (col. 2, line 22 to col. 3, line 9) Compound y) can further contain a hydroxy group. (col. 3, lines 23-34) Hydroxy containing monomers can also be used for preparing component A) (col. 7, lines 43-62) Other monomers such as methyl (meth)acrylate, etc. can be used for preparing component A). (col. 6, lines 39-67) Component C) can be a non-polymerizable organosilicate as described in col. 17, lines 38-62. The amounts of components x), y) in component A) and component C) are exemplified in Examples. However, Nambu **does not** teach or fairly suggest the polymerization of the mixture of compound x) and compound y) in the presence of component C). Especially, Applicants unequivocally demonstrate the unique properties of the coating derived from the coating composition where the claimed monomer mixture is polymerized in the **presence** of the non-radical polymerizable organosilicate as compared to that derived from the coating composition where the monomer

mixture is polymerized in the **absence** of the non-radical polymerizable organosilicate, *supra*.

JP847 discloses a stain resistant coating composition comprising an organic resin A) and a non-polymerizable organosilicate B) of formula I. ([0012]-[0018] and [0089]) Component A) can contain can be derived from monomer mixture comprising hydroxy containing monomers such as polyoxyalkylene glycol mono-(meth)acrylate, etc.) and epoxy containing monomers. ([0029]-[0030]) However, JP847 is silent on the specific process of polymerizing the monomer mixture in the presence of component B). Especially, Applicants unequivocally demonstrate the unique properties of the coating derived from the coating composition where the claimed monomer mixture is polymerized in the **presence** of the non-radical polymerizable organosilicate as compared to that derived from the coating composition where the monomer mixture is polymerized in the **absence** of the non-radical polymerizable organosilicate, *supra*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

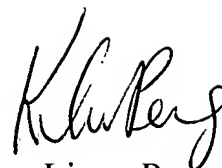
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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klp  
January 18, 2008

A handwritten signature in black ink, appearing to read 'Kuo-Liang Peng', written in a cursive style.

Kuo-Liang Peng  
Primary Examiner  
Art Unit 1796